



MAY 19 2008

MICHAEL A. CARDODO
Corporation Counsel

THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET, Room 3-122
NEW YORK, NY 10007

Todd A. Krichmar
Assistant Corporation Counsel
(212) 676-0750
Fax (212) 788-8871
tkrichmar@law.nyc.gov

MEMO ENDORSED

VIA FAX 212-805-7911 AND FIRST CLASS MAIL.

Hon. John F. Keenan
United States District Court, S.D.N.Y.
500 Pearl Street, Room 1930
New York, New York 10007

May 15, 2008

USDC SDNY
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Re: Federal Insurance Co. v. Turner Construction Co.
United States District Court, S.D.N.Y.
Case No. 07-CV-11095 (JFK)(THK)

Dear Judge Keenan:

The New York City Economic Development Corporation respectfully withdraws its motion to be substituted as defendant under Rule 25, without prejudice to its right to seek permission to intervene under Rule 24.

Respectfully submitted,

Todd A. Krichmar (TK 0524)

cc: Theodore L. Hecht, Esq. (Via E-Mail)
Meredith J. Jones, Esq. (Via E-Mail)
Howard M. Rosen, Esq. (Via E-Mail)

SO ORDERED.

Dated: New York, N.Y.
May 20, 2008

John F. Keenan
U.S.D.J.